

MAY 24 2005

PTO/SB/21 (09-04)

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/672,989	
	Filing Date	29 September 2003	
	First Named Inventor	Michael T. Ansay	
	Art Unit	3841	
	Examiner Name	J. Richardson	
Total Number of Pages in This Submission	23	Attorney Docket Number	82829

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks The USPTO has authorization to charge the deposit account no. 14-0590 for the \$500.00 petition fee.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	Naval Undersea Warfare Center, Division Newport	
Signature		
Printed name	James M. Kasischke	
Date	Reg. No.	36562

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:		
Signature	<i>James M. Kasischke</i>	
Typed or printed name	James M. Kasischke	Date 24 May 2005

This collection of information is required by 37 CFR 1.6. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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Attorney Docket No. 82829

24 May 2005

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: MICHAEL T. ANSAY ET AL  
Serial No.: 10/672,969  
Filed: 29 September 2003  
For: SUBMARINE AIR BAG LAUNCH ASSEMBLY

Group Art Unit: 3641  
Examiner: J. Richardson  
Customer No. 23523

REQUEST FOR RECONSIDERATION OF PETITION PURSUANT TO 37 CFR  
1.181(a)

To the Commissioner for Patents  
Attn: Office of Petitions

Sir:

In response to the Decision on Petition to Withdraw the Holding of Abandonment mailed 1 April 2005, Applicants respectfully petitions the Assistant Commissioner of Patents for reconsideration of Applicants' petition for withdrawal of the holding of abandonment.

The record shows that the subject application was filed on 29 September 2003. Applicants submitted paperwork to have this patent application associated with Applicants' customer number on 23 September 2004. Prior to 23 September 2004, this application was not associated with a customer number. Applicants received a Notice of Abandonment on 06 December 2004. Upon receipt of the Notice of Abandonment, Applicants became aware of an Office Action mailed on 2 April 2004. Applicants filed a Petition to Withdraw Holding of Abandonment on 22 December 2004. This petition was denied on 1 April 2005, finding that Applicants had

**Certificate of Transmission:**

I, James M. Kasischke, certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office Fax Number: (703) 872-9306 on 24 May 2005.

  
Applicant's Attorney

24 May 2005  
Date Of Signature

Application Serial No: 10/672,969

Attorney Docket No. 82829

In reply to Notice of Abandonment of 06 December 2004

failed to meet two of the requirements for establishing non-receipt of an Office communication. This Request is provided in response to the Decision of 1 April.

Applicants again request withdrawal of the holding of abandonment because Applicants never received the Office Action mailed on 2 April 2004. Applicants routinely date stamp and track all correspondence from the United States Patent Office. Correspondence is tracked by entering the correspondence on an application file folder and in a database. There is no record of this correspondence in either the application file folder or the database. A search of the file folder and the docket records indicates that the Office communication was not received. A copy of the file folder cover is provided for reference as enclosure (1). A copy of the database showing other actions due on or about the due date of this office action are provided as enclosure (2). When correspondence is received the due date and the type of action is entered in Applicants' database. Responses sent and received are also shown. No gap is apparent in the database records showing actions due on or about the due date of this office action. In view of this Applicants' attorney hereby attests that a search of the file jacket, enclosure (1), and docket records, enclosure (2), indicates that the Office communication was not received.

Private PAIR did not provide notice of the missed correspondence because this application was not properly associated with Applicants' customer number. Applicants' customer number was originally on the application initially filed

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with the United States Patent and Trademark Office, but the application was not properly associated with Applicants' customer number. Applicants corresponded with the United States Patent Office 23 September 2004 to have this application associated with the Applicants' customer number not to change the address as stated in the Decision on the Petition to Withdraw the Holding of Abandonment. Applicants suggest that the mailing address indicated in the 23 September 2004 filing is not significantly different from the original mailing address. Applicants' attorney will receive mail sent to either address.

Applicants' first awareness of their failure to respond to this Office Action occurred on 3 December 2004 when it was observed that a Notice of Abandonment was being sent in Private PAIR. Applicants' believe that the failure to respond would have been discovered earlier if this application had been properly associated with the Applicants' customer number when it was originally filed. Thus, the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR § 1.181(a) has been unintentional. Applicants' respectively authorize the USPTO to charge the Petition fee against Deposit Account No. 14-0590.

In view of the foregoing remarks, it is respectfully requested that the USPTO withdraw the holding of abandonment.

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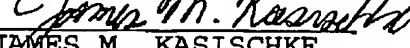
Attorney Docket No. 82829

In reply to Notice of Abandonment of 06 December 2004

The Response to the Office Letter is transmitted with this petition as enclosure (3).

Respectfully submitted,  
MICHAEL T. ANSAY ET AL

24 May 2005

By   
JAMES M. KASISCHKE  
Attorney of Record  
Reg. No. 36562

Encl:

- (1) Response to the Office Letter of 2 April 2004
- (2) Copy of the docketing system record of actions due around the relevant time
- (3) Copy of the file folder cover

Query2

4/18/2005

SERIAL	CASE NO.	RESP. DUE DATE	RESP. DUE
10/267886	79269	6/6/2004	Appeal Brief
10/289,900	84309	6/10/2004	Amendment #1
10/679687	82996	6/23/2004	Amendment #1
09/684080	78986	6/30/2004	Amendment #2
10/214549	80010	7/4/2004	Appeal Brief
10/385,448	84478	7/8/2004	Restriction Requirement
09/898714	82937	7/8/2004	Amendment #1
09/808973	79485	7/8/2004	Amendment #2
10/308983	84064	7/9/2004	Amendment #1
10/143172	80036	7/9/2004	Amendment #1
09/949409	83063	7/12/2004	RCE
10/404654	82599	7/13/2004	Amendment #1
10/779554	84432	7/17/2004	Notice to File Corrected Application
10/666829	82985	7/26/2004	reply to petition dismissal
10/263294	83123	7/27/2004	Amendment After Final Rejection
10/263294	83123	7/27/2004	Notice of Appeal

Query2

4/18/2005

CASE NO.	RESP. DUE	RESP. DESCRIPTION	RESP.	RESP. SENT	RESP. REC'D
84309	6/10/2004	Amendment #1	JMK	6/4/2004	6/4/2004
82996	6/23/2004	Amendment #1	MPS	6/22/2004	6/28/2004
78986	6/30/2004	Amendment #2	JMK		
79269	6/6/2004	Appeal Brief	JMK	6/7/2004	6/7/2004
82937	7/8/2004	Amendment #1	MFO	7/8/2004	7/8/2004
79485	7/8/2004	Amendment #2	JAN	7/8/2004	7/8/2004
80036	7/9/2004	Amendment #1	JAN	7/9/2004	7/9/2004
84064	7/9/2004	Amendment #1	MFO	8/6/2004	8/6/2004
82599	7/13/2004	Amendment #1	JMK	7/13/2004	7/13/2004
83123	7/27/2004	Amendment After Final Rejection	JMK	6/28/2004	6/28/2004
83123	7/27/2004	Notice of Appeal	JMK		
84432	7/17/2004	Notice to File Corrected Application	JMK	7/16/2004	
82985	7/26/2004	reply to petition dismissal	MPS	6/23/2004	6/23/2004
84478	7/8/2004	Restriction Requirement	AAM	7/8/2004	7/8/2004
83063	7/12/2004	RCE	JMK	7/12/2004	7/12/2004
80010	7/4/2004	Appeal Brief	MPS		

NAVY CASE No. 82 829

BRANCH CASE No.

CE NUWC

AL No. 10/672 969

D 09 September 2003

ION

ENTOR Michael T. Ansari

John R. Little

Vertical Air Bag  
ancherMarine Air Bag  
unch. AssemblyAddress: 951c Ten Rod Rd.  
Exeter, RI 02822333 Bark St.  
Swansea, MA 02777

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Application of Case No.

f Case No.

ED

No. Date

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## ACTIONS

2 Nov 00 Disc'l Rec'd  
 2 Nov 00 NC Rec'd  
 29 Sep 03 - applic (mailed 9/22/03)  
 27 OCT 03 1st Awd  
 27 OCT 03 MCTL  
 16 Dec 03 Assign (exed 10/31/03)  
 2 Feb 04 Routesheet  
 - Amendment (exed)  
 6 Dec 2004 - Notice of Abandonment  
 22 Dec 04 - Petition to W/D  
 Abandonment  
 22 Dec 04 - Amendment  
 1 Apr 05 - Petition denied  
 - Resubmitted Petition (due 6-1-05)

INVENTOR

SERIAL NO.

TITLE